

BEFORE THE
FEDERAL MARITIME COMMISSION

ANCHOR SHIPPING CO.
Complainant

v.

ALIANCA NAVEGACÃO E
LOGISTICA LTDA.
Respondent

FMC Docket No. 02-04

HAMBURG SÜD
ANSWER TO AMENDED COMPLAINT

Comes now Respondent Hamburg Südamerikanische Dampfschiffahrts-Gesellschaft KG ("Hamburg Süd" or "Respondent") and in answering the allegations of the Amended Complaint by Anchor Shipping Co. ("Anchor" or "Complainant") using the paragraphs as numbered by Complainant admits, denies, or alleges as follows:

I. Respondent is without knowledge sufficient to form a belief as to the validity of the statements contained in Paragraph I and therefore denies each and every allegation contained therein.

II. (a) Respondent admits Aliança is an ocean common carrier and denies each and every other allegation in the first paragraph of Section II of the Complaint.

(b) Respondent denies each and every allegation in the second paragraph of Section II of the Complaint,

(c) Respondent denies each and every allegation in the third paragraph of Section II of the Complaint,

(d) Respondent denies each and every allegation in the fourth paragraph of Section II of the Complaint.

III. Complainant's statements in Paragraph III are a series of requests to the Federal Maritime Commission which are not statements of fact. Respondent denies that any of these requests are proper under the facts and denies each and every allegation contained in these statements.

IV A. Respondent lacks information sufficient to form a belief as to the facts alleged, and on that basis, Respondent denies each and every other allegation contained in Paragraph IV A.

B. Respondent lacks information sufficient to form a belief as to the facts alleged, and on that basis, Respondent denies each and every allegation contained in Paragraph IV B.

C. Respondent denies each and every allegation contained in Paragraph IV Section C.

D. Respondent denies each and every allegation contained in Paragraph IV Section D.

E. Respondent denies each and every allegation contained in Paragraph IV Section E.

F. Respondent denies each and every allegation contained in Paragraph IV Section F.

G. Respondent denies each and every allegation contained in Paragraph IV Section G.

H. Respondent denies each and every allegation contained in Paragraph IV Section H.

I. Respondent denies each and every allegation contained in Paragraph IV Section I.

J. Respondent admits that a business luncheon was held with representatives of Complainant but in all other respects denies each and every allegation contained in Paragraph IV Section J.

K. Respondent denies each and every allegation contained in Paragraph IV Section K.

L. Respondent denies each and every allegation contained in Paragraph IV Section L.

M. Respondent denies each and every allegation contained in Paragraph IV Section M.

N. Respondent denies each and every allegation contained in Paragraph IV Section N.

O. Respondent denies each and every allegation contained in Paragraph IV Section O.

P. Respondent denies that it suspended its West Coast South America service, but avers that it provided space to Complainant through space chartered to Aliança Navegação E Logística Ltda. Respondent admits further that acting under its tradename Columbus Line it acted on Aliança's behalf and issued one bill of lading to Complainant under the service contract between Complainant and Respondent. Respondent denies each and every allegation not consistent with the above admission.

Q. Respondent denies each and every allegation contained in Paragraph IV Section Q.

R. Respondent denies each and every allegation contained in Paragraph IV Section R.

S. Respondent denies each and every allegation contained in Paragraph IV Section S.

T. Respondent denies each and every allegation contained in Paragraph IV Section T.

U. Respondent denies each and every allegation contained in Paragraph IV Section V.

V. Respondent denies each and every allegation contained in Paragraph V.

A. Respondent denies each and every allegation contained in Paragraph V Section A.

B. Respondent denies each and every allegation contained in Paragraph V Section B.

C. Respondent denies each and every allegation contained in Paragraph V Section C.

D. Respondent denies each and every allegation contained in Paragraph V Section D.

E. Respondent denies each and every allegation contained in Paragraph V Section E.

F. Respondent denies each and every allegation contained in Paragraph V Section F.

G. Respondent denies each and every allegation contained in Paragraph V. Section G.

H. Respondent denies each and every allegation contained in Paragraph V. Section H.

I. To the extent Respondent understands the allegations contained in Paragraph V. Section I, Respondent denies the allegations.

J. Respondent denies each and every allegation contained in Paragraph V. Section J.

K. Respondent Denies each and every allegation contained in Paragraph V. Section H.

L. Paragraph V Section L is a request for relief to the FMC and each and every allegation contained therein is denied in all respects by Respondent.

VI. Respondent denies each and every allegation contained in Paragraph VI either because they are untrue or because Respondent lacks information sufficient to form a belief as to the facts alleged.

VII. Respondent denies each and every allegation and request for relief contained in Paragraph VII.

AFFIRMATIVE DEFENSES

Respondent hereby asserts the following Affirmative Defenses in this proceeding:

I. Complaint fails to state claims against Respondent on which relief can be granted.

II. Complaint has failed to join indispensable parties.

III. Complainant claims are barred by its failure to mitigate alleged damages.

IV. Complainant engaged in numerous violations of the Shipping Act of 1984, as demanded and has unclean hands which bars the granting of the requested relief herein.

V. Respondent may enter into discussions and agreements with affiliates who are wholly-owned by a common parent without filing an agreement with the FMC as such discussions and agreements are exempt from filing under FMC regulations.

VI. Complainant's conduct violates the Shipping Act of 1984 as amended, the FMC regulations and the FMC decisions.

VII. Complainant's claims are contrary to the Shipping Act of 1984, as amended and the FMC's regulations and decisions.

VIII. The Commission's reversal of Judge Kline's Order dismissing the complaint is erroneous.

WHEREFORE Respondent prays that the Amended Complaint in this proceeding be dismissed.

Respectfully submitted,



Neal M. Mayer

Paul D. Coleman

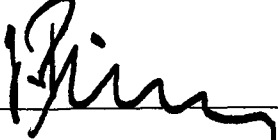
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Attorneys for:
Hamburg Südamerikanische
Dampfschiffahrts-Gesellschaft KG

July 11, 2006

VERIFICATION

I, Juergen Pump, state that I have read the foregoing Answer to Amended Complaint and that the facts stated therein, upon information known and received from others, affiant believes to be true.



Subscribed and sworn to before me, a notary public in and for the State of New Jersey, County of Union, this 10th day of July 2006.

[Seal]

(Notary Public)



DENISE A. ABREU
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 12/15/2008

Certificate of Service

The undersigned hereby certifies that he has this 11th day of July, 2006 served the foregoing document on Anchor Shipping Co. and Jorge Espinosa, Esq. by first class mail, postage prepaid.

Paul D. Coleman
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